

**Applicant:** Steven Jeffrey Goldberg  
**Application No.:** 10/731,653

### **REMARKS**

Claims 1-32 are pending in this application.

Claims 1, 2, 4-6, and 9-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,131,021 to Lussenhop et al. (hereinafter "Lussenhop") in view of U.S. Patent Application Publication No. 2004/0192290 to Muthuswamy et al. (hereinafter "Muthuswamy").

Claims 17, 27, and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lussenhop in view of Muthuswamy and further in view of U.S. Patent No. 5,946,612 to Johansson.

Claims 7, 8, 18, 19, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lussenhop in view of Muthuswamy and further in view of U.S. Patent Application Publication No. 2003/0064744 to Zhang.

Claims 20 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lussenhop in view of Muthuswamy and further in view of Zhang and Johansson.

Claims 2, 3, and 12-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lussenhop in view of Muthuswamy and further in view of prior art cited by the Examiner through Official Notice.

Claims 23-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lussenhop in view of Muthuswamy and further in view of Zhang and prior art cited by the Examiner through Official Notice.

Claims 29-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lussenhop in view of Muthuswamy and further in view of Johansson and prior art cited by the Examiner through Official Notice.

Lussenhop relates to a method for extending the measurable radio signal strength indicator (RSSI) range. As shown in Figure 4 and described at column 6, lines 29-41, Lussenhop discloses a method that first checks the RSSI value. If the RSSI value is within a measurable range, then the call in progress is continued. If the RSSI value is outside the measurable range, an attenuation value is determined and is applied to the incoming signal to get the RSSI value into range. The attenuation value is calculated by measuring signal strength values with an amplifier turned on and off, and then calculating the difference between the two measured values (see Figure 7 and column 7, lines 38-56).

The attenuation value is not intended to be displayed to the user. The attenuation value is used by the system to determine whether a call can be maintained. If the measured RSSI value is out of the measurable range even after attenuating the signal, the channel and/or the base station must be changed (see column 6, lines 41-50).

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In addition, Lussenhop does not disclose using any type of performance enhancement. As noted above, the amplifier is being switched on and off to determine an attenuation value which is used for a fundamental operation of the mobile device.

Muthuswamy relates to displaying a call quality (CQ) indicator on a mobile device, showing the status of links on both ends of a call (i.e., between the originating device and the base station, and between the destination device and its base station); see paragraph 0039. All of the channels involved in a call are evaluated, including the to and from channels between the originating device and the base station and the to and from channels between the destination device and its base station (paragraph 0024). The CQ indicator can be based on several different metrics (paragraph 0040).

However, Muthuswamy does not disclose comparing operation of the channels by activating and deactivating a performance enhancement of the system, as is claimed in the present invention.

There is no suggestion or motivation to combine the teachings of Lussenhop with the teachings of Muthuswamy. As noted above, the measurements and calculations performed by Lussenhop are for the internal operation of the mobile device and are not intended to be communicated to the user of the mobile device.

The display disclosed by Muthuswamy is helpful to a user by providing “feedback on an overall call quality” (paragraph 0034).

Zhang relates to a system for simultaneously performing power control and rate control, to minimize the total power consumption of all users in a cell (paragraph 0023). The system includes a base station having a signal to interference ratio (SIR) measurement unit and a SIR comparator. The SIR comparator generates a transmit power control signal to instruct a mobile device to adjust its transmission power based on the results of the comparison (paragraph 0033). While Zhang teaches measuring operating results and comparing operating results at the base station, there is no discussion in Zhang of comparing measurements of operating results where a parameter is active and inactive, as is claimed in the present invention.

Johansson relates to a method and apparatus for estimating traffic volume in a communication system. Johansson extrapolates measured results to obtain an estimate of the traffic volume at a given time. In order to take the measurements, the power regulation at the mobile devices is turned off (column 5, lines 10-16). The measurements are taken and recorded (column 5, lines 26-30). Then the measurements are extrapolated (column 5, lines 30-32 and 54-60; column 4, lines 49-59; and column 9, lines 10-18). Johansson does not disclose an extrapolation that includes determining what a result would be if the power regulation was active.


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Based on the foregoing remarks, none of the cited references, either alone or in combination, discloses the features recited in claims 1-32. It is respectfully submitted that the remarks made herein place pending claims 1-32 in condition for allowance. Accordingly, entry of this amendment as well as reconsideration and allowance of pending claims 1-32 are respectfully requested.

If the Examiner does not believe that the claims are in condition for allowance, the Examiner is respectfully requested to contact the undersigned at 215-568-6400.

Respectfully submitted,

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